

Remarks

In the subject Office Action, claim 9 was rejected under sec 112, second paragraph. Claims 1-13, 16-21, 23-24 were rejected under the judicially created doctrine of double patenting. Claims 1-14(11?), 16-19, 21 and 23 were rejected under 35 USC 102(e) as being anticipated Nason. Claims 12-13, 20, 24 were rejected under 35 USC 103 in view of Nason and Gould. Claims 14-15, 22, 25-34 are under restriction requirement.

In response, Applicant has amended claims 1, 6, 10, 11, 13, 14, 16, 17, 20 and 25 to overcome the Examiner's 102 and 103 rejections, to be discussed more fully below. Additionally, Applicant submits herewith a Terminal Disclaimer, overcoming the Examiner's double patenting rejection.

With respect to the rejection against claim 9, Applicant respectfully directs the Examiner's attention to the fact that claim 9 depends on claim 1 (through claims 7, 6 and 5), wherein a "reserving" operation is recited, providing the antecedent for the recitation of "said reserving" in claim 9. Accordingly, withdrawal of the rejection is respectfully requested.

With respect to rejections against claims 1-14, 16-19, 21, 23 under 35 USC 102(e), based on the Examiner's discussion of the reasons of rejection, Applicant assumes the Examiner meant to reject claims 1-11, 16-19, 21, 23 instead. In response, independent claims 1 and 16 have been amended to clearly required the "display surface" to be an "operating system controllable display surface", and the "reserved for exclusive use area" is within this "operating system controllable display surface".

Nason teaches the recovery of the "overscan area" for display. The "overscan area" is by definition outside the "display surface controllable by an operating system". Accordingly, Nason does not anticipate independent claims 1 and 16.

Claims 2-11, and 17-19 depend on claims 1 and 16 respectively, incorporating their limitations. Accordingly, for at least the same reasons, claims 2-11, and 17-19 are patentable over Nason.

Claims 21 and 23 contain in substance the same limitations as amended claims 1 and 16. Therefore, for at least the same reasons, claims 21 and 23 are patentable over Nason.

With respect to claims 12-13, claims 12-13 depend on claim 1, incorporating its limitation. Therefore, for at least the same reasons, claims 12-13 are patentable over Nason. Gould does not remedy the above discussed deficiency of Nason. Thus, for at least the same reasons, claims 12-13 are still patentable over Nason, even when combined with Gould.

Independent claim 20, has been similarly amended to clearly relate the limitations to reserving exclusive use area within an operating system controllable display surface. Accordingly, claim 20 is patentable over Nason. Gould does not remedy the above discussed deficiency of Nason. Thus, for at least the same reasons, claim 20 is still patentable over Nason, even when combined with Gould.

Claim 24 contain in substance the same limitations as claim 20. Therefore, for at least the same reasons, claim 24 is patentable over Nason and Gould combined.

With respect to the restriction of claims 14-15, 22, and 25-29, Applicant has amended claims 14 and 25, and therefore claim 22, to clearly relate the recited limitations to the reservation of exclusive use area in an operating system controllable display surface. Thus, amended claims 14 and 25 are clearly species claims to genus claim 1. Accordingly, withdrawal of the restriction is requested.

In view of the foregoing, Applicant submits that claims 1-29 are directed towards the same invention, and for reasons set forth earlier, are in condition of allowance. Therefore, early issuance of Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393

Respectfully submitted,  
Schwabe, Williamson & Wyatt, PC

Date: April 16, 2004

  
Aloysius AuYeung  
Reg. No. 35,432

Attorney's Docket No.: 109911-130400 Initials: AKP/cah/vlc  
 Application No.: 09/517,874 Filing Date: 3/2/2000  
 Title: EXCLUSIVE USE DISPLAY SURFACE AREAS AND PERSISTENTLY VISIBLE DISPLAY OF CONTENTS INCLUDING ADVERTISEMENTS

Client: Xoucin Inventor(s): Porter  
 Date Mailed: 4/16/04 Docket Date: 4/20/04

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